UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,487	03/01/2004	Katsuya Kitamori	1614.1389	7542

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ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/788,487	KITAMORI ET AL.
	Examiner	Art Unit	
	Rhonda Murphy	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5 and 7-11* is/are rejected.

7) ☒ Claim(s) *6 and 12* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
                                                Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)   6) ☐ Other: _____ .
    Paper No(s)/Mail Date <u>3/1/04</u>.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Objections

2.   Claim 2 is objected to because of the following informality: In claim 2, lines 25,

the semi-colon ";" should be replaced with a colon ":".

3.   Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   Claims 1 – 5 and 7 – 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Luft et al. (US 7,209,436).

Regarding claims 1 and 7, Luft teaches a transmission apparatus used for forming a

network that supports a bidirectional ring switching capability, the transmission

apparatus (Fig. 8B) comprising: an obtaining part for obtaining an identifier of a

transmission apparatus included in the ring switching request (further described in col.

15, lines 40-44), and obtaining concatenation setting information corresponding to the

identifier (col. 15, lines 31-44); and a setting part for making concatenation setting for a

protection line according to the concatenation setting information (col. 16, lines 30-38

and 61-65).

In the above embodiment, Luft fails to explicitly teach a detecting part for

detecting a ring switching request from a received signal.

However, in another embodiment Luft teaches a detecting part for detecting a

ring switching request from a received signal (Fig. 5; CC 509; col. 8, lines 44-56).

It would have been obvious to one skilled in the art to include a detecting part in

the embodiment of Figure 8, in order to discover a switching request has been made so

as to transmit data on a protection path.

Regarding claims 2 and 8, Luft teaches the transmission apparatus as claimed in

claim 1, the obtaining part comprising; a storing part for storing pieces of concatenation

setting information of transmission apparatuses on the network in association with identifiers of the transmission apparatuses (col. 15, lines 31-44); wherein the obtaining part obtains the concatenation setting information from the storing part (col. 16, lines 36-38).

Regarding claims 3 and 9, Luft teaches the transmission apparatus as claimed in claim 1, wherein the obtaining part obtains the concatenation setting information from information received from another transmission apparatus (col. 15, lines 29-35).

Regarding claims 4 and 10, Luft teaches the transmission apparatus as claimed in claim 2, the transmission apparatus further comprising: a detecting part for detecting concatenation setting in the transmission apparatus (Fig. 5; CC 509; col. 8, lines 44-56); and a sending part for adding the own identifier of the transmission apparatus to concatenation setting information corresponding to the concatenation setting and sending the concatenation setting information with the own identifier to another transmission apparatus (col. 15, lines 31-44; further described in col. 16, lines 30-38 and 61-65).

Regarding claims 5 and 11, Luft teaches the transmission apparatus as claimed in claim 4, wherein, when the own identifier is changed, the sending part adds the changed identifier to the concatenation setting information and sends the concatenation setting information with the changed identifier to another transmission apparatus (col. 15, lines 29-44).

Allowable Subject Matter

7.   Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Falkenstein et al. (US 7,016,379).

- Ong et al. (US 7,130,263)

- De Moer et al. (US 6,147,968)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

RM

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